



# **COMMONWEALTH of VIRGINIA**

## **DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **VALLEY REGIONAL OFFICE**

Molly Joseph Ward  
Secretary of Natural Resources

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(540) 574-7800 Fax (540) 574-7878  
located at 4411 Early Road, Harrisonburg, VA  
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David K. Paylor  
Director

Amy Thatcher Owens  
Regional Director

## **EXECUTIVE COMPLIANCE AGREEMENT**

### **JAMES MADISON UNIVERSITY**

**Registration No. 80117**

This is an Executive Compliance Agreement (Agreement) between James Madison University (JMU) and the Virginia Department of Environmental Quality (DEQ) pursuant to the Director's authority, as set forth in §§ 10.1-1185, -1192, -1309 and -1316 of the Code of Virginia (Va. Code), to administer and enforce the State Air Pollution Control Law and Regulations.


JMU, a public educational institution located in Harrisonburg, Virginia, operates a power plant (Facility) that provides steam for heating to the University. JMU operates the Facility subject to a Title V permit effective August 9, 2012 (Permit) and a State Operating Permit (SOP) dated March 3, 2003, as amended April 7, 2010, January 31, 2011 and April 15, 2011. Pursuant to Title 23, Chapter 12.1 of the Code of Virginia, "The Visitors of James Madison University" are vested with the authority and responsibility to govern JMU, the control over the expenditure of funds and the power to appoint the president, who shall function as JMU's chief executive officer. Nothing in this Agreement shall operate to limit such authority of the Visitors or otherwise violate the laws of the Commonwealth.

1. On August 11, 2015, DEQ staff completed a partial compliance evaluation (PCE) of a stack test report for Boilers B1 and B2 for stack testing conducted on June 10, 2015. Since start-up of these boilers occurred on May 15, 2012, the compliance date was January 31, 2013. The report stated that Particulate Matter (PM) emissions were 0.00295 lb/MMbtu for B1 and 0.00533 lb/MMbtu for B2.
2. Condition Number VI of the Permit states: "Except where this permit is more restrictive, the permittee shall comply with 40 CFR Part 63 Subpart DDDDD (Industrial/Commercial/ Institutional Boilers and Process Heater NESHAP) no later than the compliance date specified in the final rule...."


3. 40 CFR 63, Subpart DDDDD, Table 12 states: "The emissions must not exceed the following emission limits, except during periods of startup and shutdown ... Units designed to burn liquid fuel ... 0.002 lb [of PM] per MMBtu of heat input."
4. On August 27, 2015, the Department issued Notice of Violation (NOV) No. AVRO000249-001 to JMU for the violations described in paragraphs 3 through 5 above.
5. On September 1, 2015, DEQ staff met with representatives of JMU to discuss the NOV. Facility representatives stated that they intended to comply with PM limits using fuel testing to show compliance with Total Selected Metals (TSM) limits.

To remedy these matters, JMU and DEQ agree to the schedule of action in Appendix A.

This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. JMU agrees to be bound by any compliance dates in this Agreement that may predate its effective date.

  
Towana H. Moore, VP of Business Services  
James Madison University

12/1/15  
Date

  
Amy T. Owens, Regional Director  
Department of Environmental Quality

12/2/15  
Date

## **APPENDIX A**

JMU agrees to:

1. By November 30, 2015, collect first monthly fuel sample and submit to laboratory for analysis of TSM, moisture and heat content.
2. By December 30, 2015, submit results of first monthly fuel sample to DEQ.

### **DEQ Contact**

JMU shall submit all requirements of Appendix A of this Order to:

Karen Hensley, P.E.  
Enforcement Team Leader  
VA DEQ –Valley Regional Office  
P.O. Box 3000  
Harrisonburg, VA 22801  
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